



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

May 4, 1998

William McCabe
Deputy Director
Waste Management Division
US EPA Region 2
New York, New York

Dear Mr. McCabe:

On April 1 John Lindsay and Lisa Rosman of my staff, and Bruce Venner, NJ Department of Environmental Protection met with you to discuss potential response actions at Pierson's Creek in Newark, New Jersey. I was pleased to learn that EPA is considering taking action at this site. As you now know, NOAA had been considering the site as a potential CERCLA 106 action in part because of the threat that releases from the creek into the Port of Newark pose not only to fishery resources, but also to the maintenance of navigational services. In addition, the City of Newark has declared a state of emergency in the Pierson's Creek drainage area because flooding of businesses occurs during heavy rainfall periods. To alleviate this condition, the City has proposed dredging portions of the creek. Because of the high concentrations of numerous contaminants in the creek, notably mercury, total PAHs, and lead, NOAA is concerned that the flood control project is driven by matters independent of sediment contamination and therefore incompletely addresses the threats that may result from the proposed activity including the remobilization of contaminants, insufficient removal of available contamination, and/or the re-exposure of presently unavailable contaminants.

My staff has indicated that EPA intends to perform a Site Investigation and Prioritization (SIP) of the creek, and that this SIP will be used to support, in part, a hazard ranking for possible National Priority Listing. Since you indicated that scoring and potential listing may take from one and a half to two years, my staff is concerned that if the site's threats are left unabated, potentially significant consequences may result as discussed above. Considering the site is relatively confined and small, NOAA urges EPA to consider undertaking a removal response at the site. The City of Newark's flood control project, which includes considerable channelization, could potentially be used to cap residual contaminants in-place on the creek's bank. Therefore, a removal action would facilitate the disparate concerns of the city, and demonstrate to the Port Authority of New York and New Jersey that the federal government is taking positive steps to abate contaminant sources posing significant threats to the public welfare.

If you have any general questions concerning this matter, please contact Ms. Lisa Rosman located in your offices at 637-3259. Or for more specific concerns you may contact Mr. John Lindsay, who is coordinating NOAA's technical interests in the context of CERCLA 106, at 206-526-4560.

On behalf of NOAA, I appreciate your taking the time to discuss this matter with us and we look forward to continuing our collaboration on such important matters into the future.

Sincerely,

David Kennedy
Director, Office of Response and Restoration



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